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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/612,153 Confirmation No. : 4116
First Named Inventor : Yoko NAKAYAMA
Filed : July 3, 2003
TC/A.U. : 3747
Examiner : J. Kwon

Docket No. : 056207.52536US
Customer No. : 23911

Title : Fuel Injection Equipment, Internal Combustion
Engine, and Control Method of Fuel Injection
Equipment

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated March 16, 2005, Applicants provisionally elect Claims 5-10 (I) with traverse.

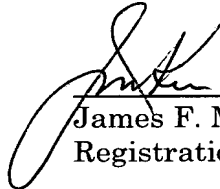
Reconsideration is respectfully requested on grounds that the Office Action has not set forth a prima facie case of independence and/or distinctness sufficient to satisfy Section 121 of Title 35. The Office Action confuses the disclosure of how the subject matters of Claims 5-10 relates to the subject matters of Claims 11-21 with the scope of Claims 5-10 in relation to Claims 11-21. The Office Action does not and cannot contend that the disclosure of the present application fails to show how the fuel injection equipment is used with the claimed internal combustion engine. MPEP §§ 806.04 and 808.01 are thus inappropriate here.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 056207.52536US).

Respectfully submitted,

April 18, 2005



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